

#261 Ref for  
refund

Practitioner's Docket No. MI22-1299

PATENT 12-28-03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vishnu J. Agarwal et al.

Application No.: 09/428,125 Group No.: 2822  
Filed: October 26, 1999 Examiner: K. Rose  
For: "Capacitors and Methods of Forming Capacitors"

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

## I. RETURN OF REFUND REQUEST

This is a request for a refund, with respect to the debit to Deposit Account 23-0925, shown on the statement dated October 24, 2003 for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request. A copy of the Ex Post Declaration of Express Mailing, dated October 20, 2003, accompanies this request. A copy of the postcard, copy of Supplemental IDS, Form PTO-1449, accompanies this request. A copy of the Ex Post Declaration, dated September 16, 2003, copy of first page of the Response to June 16, 2003 Final Office Action to Accompany RCE Filing, accompanies this request.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231.

## FACSIMILE

- XX transmitted by facsimile to the Patent and Trademark Office. 703-308-6778

  
Signature

Rhonda G. Rambo

(type or print name of person certifying)

Date: 14 Nov 2003

(Request for Debit (Improper Credit of Deposit Account)—page 1 of 2)

Adjustment date: 12/08/2003 EEKUBAY1  
10/24/2003 JBALINAN 00000147 230925 09428125  
01 FC:1806 180.00 CR

10 pages total

**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

**AMOUNT OF  
REFUND  
REQUESTED**

Improper charge for Supplemental Information Disclosure Statement \$180.00

**TOTAL REFUND REQUESTED**

**\$180.00**

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

On October 20, 2003 we filed a Supplemental Information Disclosure Statement. The Supplemental Information Disclosure Statement was filed after the filing of the Request for Continued Examination (RCE) Application and before receipt of the first office action. We filed a Response to the June 16, 2003 Final Office Action to accompany an RCE filing on September 16, 2003. Therefore, no fee is believed to be required.

Please credit Deposit Account No. 23-0925 with the above fee amount.

**IV. MANNER OF REFUND**

Please Credit Account No. 23-0925.

Date:

November 13, 2003

Jennifer A. Taylor, Ph.D.

Reg. No. 48,711

Wells/St. John P.S.

601 West First Ave., Suite 1300

Spokane, WA 99201-3828

Tel. No.: (509) 624-4276

Customer No.: 021567

(Request for Debit (Improper Credit of Deposit Account)—page 2 of 2)

**United States  
Patent and  
Trad mark Office****Deposit Account Statement****Requested Statement Month:**

October 2003

**Deposit Account Number:**

230925

**Name:**

WELLS ST JOHN PS

**Attention:**

RHONDA RAMBO

**Address:**

601 WEST FIRST AVENUE SUITE 1300

**City:**

SPOKANE

**State:**

WA

**Zip:**

99201-3817

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/02	25	09888214	LO25-003	1202	-\$72.00	\$12,610.00
10/02	96	10672816	MI22-2398	1202	\$180.00	\$12,430.00
10/03	15	6500744	MI22-1197	1811	-\$100.00	\$12,530.00
10/03	23	10340128		9204	-\$180.00	\$12,710.00
10/03	41	09895814	H0001468	1201	\$336.00	\$12,374.00
10/03	42	09172096		9204	-\$20.00	\$12,394.00
10/03	952	2135589	TW3-106	7205	\$100.00	\$12,294.00
10/03	953	2135589	TW3-106	7208	\$200.00	\$12,094.00
10/06	282	2121120	CU15-101	7205	\$100.00	\$11,994.00
10/06	283	2121120	CU15-101	7208	\$200.00	\$11,794.00
10/06	336	09880580		9204	-\$30.00	\$11,824.00
10/07	19	09148723	MI22-981	1806	-\$180.00	\$12,004.00
10/08	4	6500709	MI22-1584	1811	-\$100.00	\$12,104.00
10/08	5	09967754	ZA1-007	2801	\$385.00	\$11,719.00
10/08	551	78310625	WO28-110	7001	\$335.00	\$11,384.00
10/09	2	09881299	MI22-1747	1801	\$750.00	\$10,634.00
10/09	38	SUBSCRIPTION		8001	\$3.00	\$10,631.00
10/09	43	PCT/US03/30731	H0003933-PCT	1602	\$250.00	\$10,381.00
10/09	428	76095115	CO75-102	7004	\$150.00	\$10,231.00
10/09	433	76095113	CO75-101	7004	\$150.00	\$10,081.00
10/10	92	10102199	NO35-001	8001	\$15.00	\$10,066.00
10/14	1886	78313283	BE58-102	7001	\$335.00	\$9,731.00
10/15	1	09853156	MI22-1518	1801	\$770.00	\$8,961.00
10/15	2	09686714	IR3-012	2201	\$42.00	\$8,919.00
10/15	36	SUBSCRIPTION		8001	\$3.00	\$8,916.00
10/15	599	78313654	MA81-101	7001	\$335.00	\$8,581.00
10/15	603	78313657	MA81-102	7001	\$335.00	\$8,246.00
10/16	27	PAYMENT		9203	-\$6,000.00	\$14,246.00
10/16	384	10071843		8021	\$40.00	\$14,206.00
10/17	23	6383848		1811	-\$100.00	\$14,306.00
10/17	26	6482691	MI22-1345	1811	-\$100.00	\$14,406.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$12,538.00	\$11,810.00	\$13,840.00	\$14,588.00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION SERIAL NO ..... 09/428,125  
 FILING DATE ..... October 26, 1999  
 INVENTORSHIP ..... Vishnu J. Agarwal et al.  
 ASSIGNEE ..... Micron Technology, Inc.  
 GROUP ART UNIT ..... 2822  
 EXAMINER ..... K. Rose  
 ATTORNEY'S DOCKET NO ..... MI22-1299  
 TITLE: Capacitors and Methods of Forming Capacitors

EX POST DECLARATION OF EXPRESS MAILING

I hereby declare that I have deposited the below-listed papers with the United States Postal Service "Express Mail Post Office to Addressee" service, addressed and posted as indicated below, in compliance with 37 CFR 1.10. The Express Mail label No. has been placed on one or more of the papers listed.

Express Mail Number: EV318285774US  
 Date of Deposit: 10/20/03  
 Time of Deposit: 4:52 p.m.  
 Deposited By: ☒ Delivery to Postal Employee  
☐ Place in Drop Box

Addressee: Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**COPY**Place of Deposit:

☐ U.S. Post Office (Paulsen Bldg. Br.)  
 421 West Riverside, Room 201  
 Spokane, Washington 99201  
 Last Scheduled Drop Box Pickup: 4:40 p.m.

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 2928 S. Spotted Road  
 Spokane, Washington 99202  
 Last Scheduled Drop Box Pickup: 9:00 p.m.

☒ U.S. Post Office (Riverside Station)  
 904 West Riverside  
 Spokane, Washington 99201  
 Last Scheduled Drop Box Pickup: 5:00 p.m.

☐ U.S. Post Office \_\_\_\_\_ Branch  
 \_\_\_\_\_  
 Last Scheduled Drop Box Pickup: \_\_\_\_\_ a.m./p.m.

Listing Of Items Enclosed In Mailing:

1. PTO Return Receipt Postcard
2. Transmittal Form (PTO/SB/21)
3. Supplemental Information Disclosure Statement w/PTO-1449 and copy of cited references

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statement may jeopardize the validity of the application or any patent issued therefrom.

Dated at Spokane, Washington this 20 day of October, 2003.

Trinity Coxon  
 Trinity Coxon

Date: 10-20-03M22-1299 (JT)  
Micron Technology, Inc.

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the following papers relating to the Patent application of Vishnu K. Agarwal et al., Serial No. 08/428,125, filed October 28, 1998, entitled "Capacitors and Methods of Forming Capacitors".

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Inventor ..... Vishnu K. Agarwal et al.  
Assignee ..... Micron Technology, Inc.  
Group Art Unit ..... 2822  
Examiner ..... Rose, Kiesha L.  
Attorney's Docket No. .... MI22-1299  
Title: Capacitors and Methods of Forming Capacitors

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

References -- See attached Form PTO-1449

In compliance with 37 C.F.R. §§ 1.56, 1.97 and 1.98, your attention is directed to the United States patents and other references listed on the attached Form PTO-1449. No admission is made regarding whether all the submitted references are prior art.

This Supplemental Information Disclosure Statement is being filed after the filing of the Request for Continued Examination (RCE) Application and before receipt of the first Office Action. Therefore, no fee is believed to be required. However, in the event that a fee is required for filing this Supplemental Information Disclosure Statement, please charge the fee specified under 37 C.F.R. §1.17(p) to Deposit Account No. 23-0925. Please credit Deposit Account No. 23-0925 with any overpayment of the above fee.

Respectfully submitted,

**COPY**

Dated: Oct. 20, 2003

By: Jennifer J. Taylor  
Jennifer J. Taylor, Ph.D.  
Reg. No. 48,711

**EV318285774**

Form PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
M122-1399SERIAL N  
09/438,123LIST OF ART CITED BY APPLICANT  
(Use several sheets if necessary)APPLICANT  
Vishnu K. Agarwal et al.FILING DATE  
October 26, 1999GROUP  
2822

## U.S. PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
AA	5,920,775	07-1999	Koh			
AB	6,376,332 B1	04-2002	Yanagita et al.			
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						
AL						

COPY

## FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
AM							
AN							
AQ							
AP							
AO							

## OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, Etc.)

AR		
AS		
AT		

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EV318285774



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 \_\_\_\_\_  
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Dated at Spokane, Washington this 16th day of September, 2003.

Trinity Coxon  
 Trinity Coxon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 09/428,125  
Filing Date ..... October 26, 1999  
Inventor ..... Vishnu K. Agarwal  
Assignee ..... Micron Technology, Inc.  
Group Art Unit ..... 2822  
Examiner ..... Rose, Kiesha L.  
Attorney's Docket No. .... MI22-1299  
Title: Capacitors and Methods of Forming Capacitors

RESPONSE TO JUNE 16, 2003 FINAL OFFICE ACTION  
TO ACCOMPANY RCE FILING

To: Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COPY**

From: Jennifer J. Taylor, Ph.D. (Tel. 509-624-4276; Fax 509-838-3424)  
Wells St. John P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

AMENDMENTS

Introductory Comments

In response to the Office Action dated June 16, 2003, applicant remarks as follows.

S:\MIZ2\1299\W07.DOC

1

**EV318284368**

TOTAL P.10

11/14/03 FRI 14:41 [TX/RX NO 8558] 010